

1895-076 Chancery Causes: James Smith & vs. Crab Orchard Coal & Iron Co }
Lee Co.

James

CA-Debt

T-Property

To the Hon. J. S. K. Morison, Judge of the
Circuit Court for Lee County, Virginia.

Your orator James Smith and
your oratrix Lorinda Smith, humbly
complaining, respectfully represent unto
your honor that on the 15th day of Oct,
1890, they sold, and by deed of that date
conveyed, for the price of \$872⁰⁰, to the Crab
Orchard Coal and Iron Company, a
corporation doing business under the
Laws of the State of Virginia, a certain
tract or parcel of land situated in
the Crab Orchard section of Lee County,
Virginia, the same being known as the Alex-
ander F. Smith farm, and as a part of
the Green B. Pennington farm; and for a
full and particular description of said
land and the terms of said sale, refer-
ence is here made to said deed of con-
veyance, which is recorded in the County
Court Clerk's Office of Lee County, Va.,
in Deed Book 26, page 108 &c. A copy
of said deed is here filed marked "A",
and prayed to be considered as a part
hereof.

Your orator and oratrix represent
unto your honor that, at the time of
the execution of said deed of conveyance,

There was paid to them in hand the sum of \$436⁰⁰/₁₀₀, a part of the purchase money for said land; that for the residue of said purchase money of \$436⁰⁰/₁₀₀, said company executed its two several notes, each bearing even date with the date of said deed, each payable twenty-four months after its respective date, and each bearing 6 per cent interest from its respective date. Said two several notes are drawn and executed as follows: One to James Smith for the sum of \$290⁰⁰/₁₀₀, the other to Lorrinda Smith for the sum of \$145³³/₁₀₀. Each of said notes is signed by the Crab Orchard Coal and Iron Company, by W. W. James Secretary and General Manager under his seal. Said two notes are herewith filed marked "B" and "C" respectively, and prayed to be considered as part hereof.

Your orator and oratrix represent unto your honor that they retained their vendors' lien in said deed of conveyance to secure the deferred payments of the purchase money on said land, ^{thereby has the first and only lien to wit a vendors lien on said land}

Your orator and oratrix further represent unto your honor that they

have not, nor has either of them, been paid the whole or any part of said notes, or either of them, but that the same are still due and wholly unpaid, and that they are entitled to recover the amount with interest thereon as is represented by the respective face of each of said notes.

The object, therefore, of this bill is to enforce said vendors' lien against said land, and to have the same sold, or so much thereof as may be necessary, to pay said notes, with interests, and the costs of this suit.

The prayer of your orator and oratrix, therefore, is that the Crab Orchard Coal and Iron Company, a corporation doing business under the laws of the State of Virginia, be made a party defendant to this bill and required to answer the same on oath; that said vendors' lien be enforced, and said tract of land, or so much thereof as may be necessary, be sold to pay said notes, with interest, and the costs of this suit; and that your honor will grant unto your orator and oratrix such further and general relief as good conscience and the nature of their case may require.

May Spa, issue &c., and they will
ever pray &c.

A. M. Goins, p. g.

Tax 1.50
C 6.94 Paid
S 50 Paid
A 15.00 Paid
Estimate 5.00 1/2 p. 14.

\$28.94

Bid off by
Chas. L. & M. J. Jones
at \$55.21.7.

James Lorinda Smith
vs. ³/₄ Bill in Chancery.
The Crab Orchard Coal
& Iron Company

2 Notes Enclosed.

1893 1st Febry Rules Bill
Filed 3rd Feb 1893 & D. W. H. H.
" 2nd Febry Rules D. W. H. H.
Court & Cause set for hearing
by Plaintiff
" March Term Decree
for sale & Court



City of Bristol, Va., *Decr 15*, 189*0*

Office of the Crab Orchard Coal and Iron Co.,

Twenty four Months after date the "Crab Orchard Coal and Iron Company," promise to pay

James Smith

the sum of *Two Hundred & thirty + 67* Dollars,

with six per cent interest ~~after maturity~~, at the Company's Office in the city of Bristol, Virginia it being the *Last* payment on land this day sold and conveyed to said Company, and for value received. In witness whereof the Crab Orchard Coal & Iron Company has caused these presents to be signed by W. W. James, the Secretary and General Manager of said Company, and the said W. W. James has hereunto set his hand and seal the day and year first above written.

The Crab Orchard Coal and Iron Company,

By *W. W. James* (SEAL.)
Secretary and General Manager.



City of Bristol, Va., *Decr 15*, 189*0*

Office of the Crab Orchard Coal and Iron Co.,

Twenty four Months after date the "Crab Orchard Coal and Iron Company," promise to pay

Lorinda Smith

the sum of *One Hundred & forty five + 33* Dollars,

with six per cent interest ~~after maturity~~, at the Company's Office in the city of Bristol, Virginia it being the *Last* payment on land this day sold and conveyed to said Company, and for value received. In witness whereof the Crab Orchard Coal & Iron Company has caused these presents to be signed by W. W. James, the Secretary and General Manager of said Company, and the said W. W. James has hereunto set his hand and seal the day and year first above written. *The title to 12 Acres of land to be completed*

The Crab Orchard Coal and Iron Company,

By *W. W. James* (SEAL.)
Secretary and General Manager.

"B"

"D"

Jamesrd & Lorinda Smith

vs.

Crab Orchard Coal & Iron Co.,

} In Chy,

This cause came on again this day to be heard upon the papers formerly read therein and the report of A. M. Goins, who was on the 14th day of Nov. 1894, appointed a Special Comr. for the purpose of making to the purchasers of the land in the bill and proceedings mentioned, a deed. On consideration of all which, and for reasons appearing to the court, and there being filed with said report a deed made by said Goins to Chas. L. and M. J. James to said land, and no exceptions being taken to said report and deed, it is adjudged, ordered and decreed that said report and deed be and are hereby confirmed, and that said grantee in said deed pay to said Goins for his services as such Comr. the sum of five dollars, and after the payment of the same said grantee may withdraw ~~the file~~ from the files of this cause said deed, And this cause is stricken from the docket.

James & Lorinda Smith

85 } Decree Final

Crab Orchard Coal & Iron Co

O.B.
Page 134

Enter this Decree,
this March 5 1895-
W.J.M.

~~~~~



Jos. & Lorinda Smith Amplets } In Chancery  
vs  
Leah Orchard Leach & Son Ltd.

This Cause came on again to be heard upon the papers formerly read in said Cause, and the report of Comm. A. M. Goins filed therein on the 14<sup>th</sup> day of Nov. 1894 and it appearing that from said report that the whole of the purchase money by M. J. & Chas L. James has been collected and paid out to said plaintiffs; it is therefore adjudged, ordered and decreed that said report and disbursement be and is hereby confirmed; and the said A. M. Goins is hereby appointed a special Commissioner for the purpose, who will make to said M. J. James and Charles L. James a deed with covenants of special warranty to said Land, which they purchased as shown by his report of sale filed in this Cause on the 22<sup>nd</sup> day of May, 1893, and he will report his action to Court, at which time this Cause is continued.



Jas & Lorinda Smith  
as of Dec 1

Leahonchard  
Leah & Brown Co.

Entered in  
Chancery Order  
Book Page 86

Enter this  
Nov 14/94

W. J. M.



James & Lorinda Smith  
vs.  
C. O. Coal & Iron Co. } In Chy.

This cause came on again this day to be heard upon the papers formerly read therein and the report of Comm. A. M. Gains, filed Feb. 23, 1894; and said report, having been filed the required number of days before the entering of this decree, and the same being unexcepted to, is hereby confirmed. And it appearing from said report that Chas. L. James and M. J. James, the purchasers, have not completed their purchase by the payment of the purchase money due thereon; and it appearing by an exhibition of the note that there is due \$503.58, with legal interest thereon from the 15<sup>th</sup> day of May, 1893; and the said Chas. L. James, M. J. James and W. W. James are the obligors in said note, it is ordered that a rule be awarded against each of them, returnable to the first day of the next term of this court, to show



James & Lorinda Smith

vs. Deere

C. O. Coal & Iron Co.

C. O. Coal & Iron Co.  
March 9, 1894.

Enter this

March 9 1894.

H. A. M.

cause, if any they can, why  
they should not be adjudged  
to pay said note, and why  
so much of said land as  
may be necessary, purchased  
by said Chas. L. James and Mr. J.  
James in this cause, should  
not be sold to pay said pur-  
chase money note. And this  
cause is continued.



James & Lorinda Smith, - - Compls.  
vs. { In Chancery.

Crab Orchard Coal & Iron Co., Defls.

This cause came on again  
this day to be heard upon the papers  
formerly read therein and the report  
of Commr. A. M. Goins of the sale of  
the land in the bill, <sup>+ proceedings</sup> mentioned,  
filed May 22<sup>nd</sup>, 1893, said report  
having been filed for more than 10  
days before the first day of this  
term of this court, and the same  
being unexcepted to, it is adjudg-  
ed, ordered and decreed that the  
said report and sale be and are  
hereby confirmed, and that said  
Chas. L. James & M. J. James be entitled  
to take possession of said land at  
any time hereafter; And ~~therefore~~  
~~is continued~~ where said de-  
ferred payments become  
due, said Goins will col-  
lect & pay out the same to  
said plaintiffs & this cause  
is continued



James & Lorrinda Smith

vs { Decree No. 2

C. O. C. & J. Company

Entered on S.B. pages  
486-7

June 8, 1893

J. A. G. Hyatt &

Enter this Decree

June 8 1893

H. L. Orin



James<sup>and</sup> Lorina Smith, - - - Compls.  
vs. { In Chancery.

Crab Orchard Coal & Iron Co., Deft.

This cause came on this day to be heard upon the Bill of the Complainants and exhibits filed therewith, and it appearing that process has been duly served on said defendant for more than 15 days before the 1<sup>st</sup> day of the term of this court, and it failing to appear and plead or answer, on motion of the complainants, the court doth take their bill for confessed.

On consideration of all which, and for reasons appearing to the court, it is adjudged, ordered and decreed that James Smith do recover from the defendant the sum of \$290<sup>00</sup>/<sub>100</sub>, with legal interest thereon from the 15<sup>th</sup> day of Oct., 1890, until paid, and that Lorinda Smith do recover from the defendant the sum of \$145<sup>33</sup>/<sub>100</sub>, with legal interest thereon from the 15<sup>th</sup> day of Oct., 1890, until paid, together with the costs of this suit. And it is further adjudged, ordered and decreed that unless said defendant pay said two sums of money,



with interests, and the costs of this suit  
in 30 days from the first day of the  
term of this court, then A. M. Coine,  
who is hereby appointed a special  
commissioner for the purpose, will pro-  
ceed to sell the land in the bill and  
proceedings mentioned, or so much  
thereof as may be necessary to pay  
the said debts, with interests, and  
the costs of this suit, on a credit  
of six months, except a sum suf-  
ficient to pay the costs and commis-  
sions of sale, which sum he will  
require to be paid in hand, and  
for the deferred payments he will  
take bond payable to himself with  
good personal security. He will make  
said sale at the front door of the court-  
house of Lee County on some court day  
at public outcry and to the highest  
bidder. Before proceeding to make said  
sale he will advertise the time, terms  
and place of sale for 30 days by no-  
tices posted at the front door of the  
court house of this county, ~~and~~ in the neighborhood of  
said land, and at such other places  
as he may think necessary. But



before proceeding to execute the terms  
of this decree, he will execute - bond  
before the clerk of this court in the  
penalty of \$1000, conditioned as the  
law requires in such cases.  
And this cause is continued.



James & Lorinda Smith

vs. Decree No 1.

Crab Orchard Co. & D. Co.

Entered in Chy. O. B.  
for 449 & 450. March  
9th/93.  
J. A. G. Hyatt, Clerk

Enter this

K. S. K. M.

March 9/93



James<sup>rd</sup> Lorinda Smith, - - - Compts.  
vs.  $\frac{1}{2}$  In Chy.

Crab Orchard Coal & Iron Company, - Defts.

To the Hon. H. S. K. Morison,  
Judge of the Circuit Court  
of Lee County, Virginia:-

Your undersigned Special  
Commissioner begs leave to report,  
that, in pursuance of a decretal  
order entered in the above styled cause  
at the March term, 1893, of your honor's  
court, he executed said order on the  
15<sup>th</sup> day of May, 1893, that being a court  
day, and he having first advertised  
the time, terms and place of sale as  
directed by said decree, by exposing  
at public sale the land in the bill and  
proceeding mentioned in this cause,  
at public outcry, to the highest and  
best bidder, at the front door of the  
Court-house, on a credit of six months,  
except a sum sufficient to pay the costs  
of suit and commission of sale, which  
sum was required to be paid in hand.  
And after much crying said land was  
knocked off to Chas. L. and M. J. James  
for the sum of \$552.17, they being the  
highest and best bidders. As requir-  
ed by the terms of said decree said



purchasers paid your Commissioner  
in hand \$48.59, an amount necessary  
to cover the commission of sale and the  
costs of this suit, and for the deferred  
payment they executed to your comr.  
their joint note for the sum of \$503.58,  
due in six months, bearing interest  
from date of sale, with W. H. James as  
their security.

The commissions arising from  
this sale and the costs of this suit have  
been paid to those <sup>to</sup> whom due as may  
be seen from the receipts herewith filed.  
All of which is respectfully submitted.  
This May 22<sup>nd</sup> 1893.

A. M. Goins,  
Special Comr.

1.50  
6.94  
91  
\$9.35

Recd of A. M. Goins Comr in the Chey Cause of  
Jas. & Lorinda Smith vs Crab. Orchard Coal & Iron Co.  
Nine & <sup>35</sup>/<sub>100</sub> Dollars my fee in said cause  
so as to include cost of June Term 1893  
May 17<sup>th</sup> 1893. J. A. Stoyatt ©

\$19.65

Retained \$19.65 the commissions  
arising from the sale of the land  
in the above styled cause.

This May 15<sup>th</sup> 1893,

A. M. Goins,  
Comr.



#13.50.

Received of A. M. Goins, Comr. fifteen  
dollars and fifty cents (\$15.50), the  
attys. fee and amount paid Surgen-  
eant of the Corporation of the City of  
Bristol, Va, for executing process.  
This May 15<sup>th</sup> 1893.

Pennington & Goins,  
Attys.



James & Lorneda Smith

ss } Comr's Report of Sale  
of Land.

Crab Orchard Coal & Iron  
Company.

Filed May 22<sup>nd</sup> 1893  
J. A. Hyatt



James & Lorinda Smith

vs.

} In Chy.

C. O. Coal & Iron Company.

To the Hon. H. S. K. Morison, Judge  
of the Circuit Court for Lee County, Va.

Your undersigned Special Commissioner in the above styled cause begs leave to report that the note executed to him by Chas. L. James, M. J. James and W. W. James, on the 15<sup>th</sup> day of May, 1893, for the purchase price of the land in the bill and proceedings mentioned, and as set out fully by your Commissioner in the report filed herein by him on the 22<sup>nd</sup> day of May, 1893, became due and payable on the 15<sup>th</sup> day of Nov., 1893, and your Court has repeatedly informed said purchasers that said note was due and payable, and have requested them to come forward and pay off the same; but up to this date they have failed to pay the same, or any part thereof. Under the foregoing circumstances your Court deems it proper to report said delinquency to the Court and to apply for a rule returnable to the first day of the next term of this Court, against the above obligors, to show



cause, if any they can, why the land  
purchased by them should not be re-  
sold to pay off said purchase money  
note.

All of which is respectfully sub-  
mitted, this Feb. 23, 1894

A. M. Goins,

Special Commr.

James & Lorinda Smith

vs. } Goins Report,

Gr. O. Coal & Iron Co.

Filed Feb. 23, 1894.

cc AB Murdrey C.



Jas & Lorinda Smith  
vs In Chancery  
Leah Orchard Coal & Iron Co.

The undersigned, who was  
heretofore, as a special Comm. sold  
the lands in this cause mentioned,  
begs leave to report that the pur-  
chase of said land, M. J. and  
Leah S. James, have paid the re-  
quire purchase money on said  
land, and that he has paid  
said money out to the plain-  
tiffs atty. in this cause, E.  
H. Pennington, whose receipt is  
here filed. Therefore the said  
M. J. & Leah S. James are en-  
titled to deed to said land.  
This Nov. 14<sup>th</sup> 1894.

A. M. Gomis  
Special Comm.



James & Lurinda Smith  
no } Report of Court  
      } Return of Collection  
      } of Sale money  
Levick Orchard Co. & Co.  
Filed Nov. 14/94

Enter this  
Nov - 14/94



James & Lorinda Smith

vs.

Crab Orchard Coal & Iron Co.

} In Chancery.

To the Hon. W. F. Miller, Judge of the  
Circuit Court of Lee County, Virginia

The undersigned Special Commr.  
begs leave to report, that, in pur-  
suance to a decree entered in this  
cause on the 14<sup>th</sup> day of Nov. 1894,  
appointing him a special Commr. for  
the purpose of making and accu-  
ring to the purchasers of the land  
in the bill and proceedings mentioned  
in this cause a deed with-covenants  
of Special warranty, he has complied  
with-the order of the court and has  
made said deed as directed by said  
order, and the same is filed herewith  
marked "D".

All of which is respectfully submitted,  
this March 4<sup>th</sup> 1895.-

A. M. Lewis,  
Special Commr.



James Lorinda Smith

vs } Com's Report of Debt

Crab Orchard Coal & Iron Co

Filed March 4<sup>th</sup> 1895-  
AB Munsey Clerk



KNOW ALL MEN BY THESE PRESENTS, That we *A. M. Gaines and*  
*J. E. Turner*  
are held and firmly bound unto the Commonwealth of Virginia, in the sum of *One*  
*Thousand* dollars, to the payment whereof, well and truly  
to be made to the said Commonwealth of Virginia, we bind ourselves and each of us, our  
and each of our heirs, executors and administrators, jointly and severally, firmly by these  
presents, hereby waiving the benefit of our homestead exemptions as to this obligation,  
and any claim, right, or privilege to discharge any liability arising under this bond, or by  
virtue of said office or trust, in any currency, funds, counter claims or offsets other than  
legal-tender currency of United States. Sealed with our seals, and dated *10<sup>th</sup>* day  
of *Apr.*, one thousand eight hundred and *93*.

The Condition of The Above Obligation is Such, That if the above bound *A. M. Gaines*  
shall faithfully perform the duties of *his* office or trust, as *Commissioner*  
under a decree of the Circuit Court of the County of Lee, pronounced on the *9<sup>th</sup>*  
day of *Mar.*, 18 *93*, in the suit therein depending  
under the name and style of *James + Lorinda Smith* Plaintiff  
vs. *Crab Orchard Coal + Iron Co.* Defendant  
and properly account for all sums of money *that he* may receive as  
such *Commissioner*

then this obligation to be void, otherwise to remain in full force and virtue.

Signed, sealed and acknowledged in the  
presence of

*A. M. Gaines* (SEAL.)  
*J. E. Turner* (SEAL.)  
(SEAL.)

In the Clerk's Office of the Circuit Court of the County of Lee

This day

suret on the above bond, made oath before me J. A. G. Hyatt, Clerk of the Circuit  
Court of the County of Lee, that  
estate after the payment of all just debts, and those  
for which bound as securit for others, and expect to have  
to pay worth the sum of  
dollars.

Given under my hand this day of 18  
Teste: Clerk.



James + Lorrinda Smith

vs  $\frac{3}{3}$  Bond.

Crab Orchard Coal + Iron Co.

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Filed April 10<sup>th</sup> 1893

J. A. Hyatt c



**The Commonwealth of Virginia.**

*Serjt. of the City of Bristol*  
**To The Sheriff Of Lee County Greeting:**

We Command You to Summon

*The Crab Orchard*

*Coal and Iron Company a corporation*  
*doing business and organized*  
*under the laws of the State of Va*

To appear at the Clerk's Office of the Circuit Court of Lee County, at the Courthouse on the first Monday  
in *February* next, being rule day to answer a bill in Chancery exhibited in our said Court

against

*it*

by

*Lonida Smith*

*and James Smith*

And have then and there this writ. Witness, J. A. G. Hyatt, Clerk of said Court at the Courthouse.

This *19<sup>th</sup>* day of *January* 18*93*, in the 11<sup>th</sup> year of the Commonwealth.

*J. A. G. Hyatt* Clerk.

A Copy Teste



Executed on the Crab Orchard Coal and Iron  
Company, an incorporation under the laws of the State  
of Virginia, by delivering an office copy of the within  
Summons to H. H. James, Secretary and General Man-  
ager of said Company, in the Corporation of the  
City of Bristol, Virginia, the said H. H. James residing  
therein. This Jan. 21 1893.

Justus Wiley

Sergeant of the Corporation the City of Bristol  
Virginia.

To 1st Deputy Rules 1893.

Crab Orchard Coal and Iron Co.

25

on file they

James Smith et al.

1893



M. Clark #2.64

East Louisiana Smith

and Rice

Leah Orchard Coal

of Leam led

1.52.40  
1.1.1.1  
2.4.1.0